

Appl. No. : 09/920,772
Filed : July 31, 2001

REMARKS

The following remarks are responsive to the December 1, 2005 Office Action. Claims 1 and 4 have been amended and Claim 2, 3, and 5-18 remain as originally filed. Therefore, Claims 1-18 are presented for further consideration. Please reconsider the claims in view of the following remarks.

Comments on Allowable Subject Matter

Applicant thanks the Examiner for acknowledging the patentability of Claim 4. In the December 1, 2005 Office Action, the Examiner objects to Claim 4 as being dependent upon a rejected base claim. Applicant has amended Claim 4 to be in independent form, including the limitations of the base claim. Applicant respectfully requests the Examiner to withdraw the objection to Claim 4 and to pass this claim into allowance.

Response to Rejection of Claims 13 and 14 Under 35 U.S.C. § 102(e)

In the December 1, 2005 Office Action, the Examiner rejects Claims 13 and 14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/0152459 issued to Bates et al. ("Bates").

Claim 13

As originally presented, independent Claim 13 recites (emphasis added):

13. A method of allowing a user to select among available audiovisual programs while viewing a first audiovisual program on a display device coupled to an audiovisual system, the method comprising:

- presenting the first audiovisual program to the user;
- generating at least one threshold interest criterion;
- estimating a degree of interest by the user for the first audiovisual program and each available audiovisual program;**
- comparing the degree of interest for each available audiovisual program with the threshold interest criterion;** and
- presenting information to the user regarding at least a second available audiovisual program which has a degree of interest which satisfies the threshold interest criterion.

Claim limitations missing from the cited reference

Applicant submits that Bates does not disclose "estimating a degree of interest by the user for the first audiovisual program and **each available audiovisual program**" or "comparing the degree of interest for **each available audiovisual program** with the threshold interest criterion" as recited by Claim 13 (emphasis added). Bates discloses a system and method by which a user

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may recall a channel of interest which the user has previously viewed. For example, at paragraph [0024], Bates discloses that upon powering on the system, the channel of interest is set to the channel which the user was watching previously for the largest cumulative time during a corresponding time slot of a previous day. Bates also discloses that during a viewing session, the system updates the channel of interest by monitoring the elapsed time spent by the user viewing various channels and determining if the elapsed time spent viewing any of these previously-viewed channels exceeds a predetermined time threshold. In other words, Bates discloses that a user must have viewed a channel in order for the channel to be considered to be the channel of interest. Thus, Bates only considers the subset of previously-viewed channels for designation as the channel of interest despite other channels or programs being available for viewing. Therefore, Bates does not disclose "estimating a degree of interest for ... each available audiovisual program" or "comparing the degree of interest for each available audiovisual program with the threshold interest criterion." Consequently, Bates does not disclose the method recited by Claim 13.

Applicant submits that Claim 13 includes limitations which are not anticipated by Bates. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 13 and pass Claim 13 to allowance.

Claim 14

Claim 14 depends from Claim 13, so Claim 14 includes all the limitations of Claim 13 as well as other limitations of particular utility. Therefore, for at least the reasons discussed above in regard to Claim 13, Claim 14 is patentably distinguished over Bates. Applicant respectfully requests that the Examiner withdraw the rejection of Claim 14 and pass this claim to allowance.

Response to Rejection of Claims 1-3, 5-14, and 16-18 Under 35 U.S.C. § 102(e)

In the December 1, 2005 Office Action, the Examiner rejects Claims 1-3, 5-14, and 16-18 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,177,931 issued to Alexander et al. ("Alexander").

Claim 1

As amended, independent Claim 1 recites (emphasis added):

1. An audiovisual system for making audiovisual programs available to a user from a broadcast source and from local storage and for presenting on a display device a first available audiovisual program selected from the available audiovisual programs, the audiovisual system comprising:

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a disk drive adapted to receive and store audiovisual programs and to retrieve and transmit stored audiovisual programs;

a preference determination module responsive to user input and electronic program guide information to **estimate a degree of interest by the user for each available audiovisual program**;

an alert module coupled to the preference determination module, the alert module **performing a comparison of the degree of interest for each available audiovisual program to at least one threshold interest criterion** and generating an interrupt signal in response to the comparison; and

a system controller coupled to the alert module, the system controller responsive to user input and electronic program guide information to present the first available audiovisual program to the user, and responsive to the interrupt signal from the alert module to interrupt presenting the first available audiovisual program to provide information to the user regarding at least a second available audiovisual program.

Claim limitations missing from the cited reference

Applicant submits that Alexander does not disclose an audiovisual system having a preference determination module that “estimate[s] a degree of interest by the user **for each available audiovisual program**” (emphasis added) as recited by amended Claim 1. Alexander discloses a system that notifies the user if a program being broadcast on a channel different from the one currently being watched may be of interest to the viewer based on the viewer’s profile (Alexander, Col. 14, Ln. 58-62). Alexander does not, however, disclose estimating the degree of interest by the user of the program currently being watched, which is one of the available audiovisual programs as recited by amended Claim 1. Consequently, Alexander does not anticipate the system recited by amended Claim 1.

Applicant further submits that Alexander also does not disclose an alert module that “**perform[s] a comparison of the degree of interest for each available audiovisual program to at least one threshold interest criterion**” (emphasis added) as recited by amended Claim 1. The system disclosed by Alexander determines whether or not programs other than the program being viewed may be of interest to the viewer based on the viewer’s profile. If a program is determined to be of potential interest to the viewer, the system will notify the viewer (Alexander, Col. 14, Ln. 58-67). Alexander does not disclose that this determination includes comparing a degree of interest for the program with a threshold interest criterion. Consequently, Alexander does not anticipate the system recited by amended Claim 1.

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Applicant submits that amended Claim 1 includes limitations which are not disclosed by Alexander. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 1 and pass Claim 1 to allowance.

Claims 2-3 and 5-12

Claims 2-3, 5-7, and 9-10 each depend from amended Claim 1, Claim 8 depends from Claim 7, and Claims 11-12 depend from Claim 10. Therefore, each of Claims 2-3 and 5-12 includes all the limitations of amended Claim 1 as well as other limitations of particular utility. For at least the reasons stated above regarding amended Claim 1, Claims 2-3 and 5-12 are each patentably distinguished over Alexander. Applicant respectfully requests that the Examiner withdraw the rejections of Claims 2-3 and 5-12 and pass these claims to allowance.

Claim 13

For reasons similar to those described above with respect to amended Claim 1, Applicant submits that Claim 13 includes limitations not disclosed by Alexander. Applicant therefore submits that Claim 13 is patentably distinguished over the cited prior art. Applicant respectfully requests that the Examiner withdraw the rejection of Claim 13 and pass Claim 13 to allowance.

Claims 14 and 16-18

Claims 14 and 16-18 each depend from Claim 13, so each of Claims 14 and 16-18 includes all the limitations of Claim 13, as well as other limitations of particular utility. Therefore, for at least the reasons stated above with regard to Claim 13, Claims 14 and 16-18 are each patentably distinguished over Alexander. Applicant respectfully requests that the Examiner withdraw the rejections of Claims 14 and 16-18 and pass these claims to allowance.

Response to Rejection of Claim 15 Under 35 U.S.C. § 103(a)

In the December 1, 2005 Office Action, the Examiner rejects Claim 15 under 35 U.S.C. §103(a) as being unpatentable over Alexander in view of Japanese Patent Publication No. 08-032955 issued to Makoto et al. ("Makoto").

The Examiner states that it would have been obvious to "modify Alexander as modified with Kubota by using a control means as taught by Makoto with the apparatus of Alexander." Applicant notes that there is not a reference "Kubota" of record in the present case. Applicant assumes that this reference to Kubota is an inadvertent error, and that the rejection is actually for unpatentability over Alexander in view of Makoto. If Applicant is incorrect in this assumption, clarification by the Examiner is respectfully requested.

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As discussed above, Claim 13 includes limitations which are not disclosed or suggested by Alexander. Applicant submits that the Examiner has not presented a *prima facie* case of obviousness of Claim 15, which depends from Claim 13.

Applicant submits that Makoto does not disclose or suggest all the limitations of Claim 13 which are not disclosed or suggested by Alexander. Applicant further submits that there is no suggestion in the prior art to combine the teachings of Alexander and Makoto. Therefore, Claim 13 is patentably distinguished over the combination of Alexander in view of Makoto.

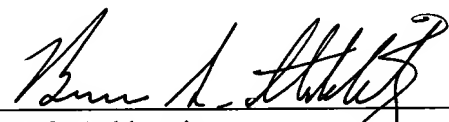
Claim 15 depends from Claim 13. Therefore, Claim 15 includes all the limitations of Claim 13 as well as other limitations of particular utility. For at least the reasons stated above with regard to Claim 13 being patentably distinguished over Alexander in view of Makoto, Applicant submits that Claim 15 is patentably distinguished over Alexander in view of Makoto. Applicant respectfully requests that the Examiner withdraw the rejection of Claim 15 and pass this claim to allowance.

Summary

For the reasons stated above, Applicant submits that Claims 1-18 are in condition for allowance, and Applicant respectfully requests such action.

Respectfully submitted,

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